

Serial No. 09/825,128

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Raymond Grant Rowe et al. :

Serial No.: 09/825,128

: Group Art Unit: 1742

Filed: April 3, 2001

: Examiner: S. Ip

For: HEAT TREATMENT OF RENE  
95 DIE INSERTS

: Paper No.: 3

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**PROVISIONAL ELECTION WITH TRAVERSE**

Assistant Director of Patents and Trademarks  
United States Patent and Trademark Office  
Washington, DC 20231

Sir:

Applicants appreciate the consideration shown by the Office, as evidenced by the Restriction Requirement mailed on January 29, 2002. In that Restriction Requirement, the Examiner required an election between Invention I (Claims 1-2 and 6-8), Invention II (Claims 3-5), and Invention III (Claims 9-25). Accordingly, Applicants provisionally elect Invention III (Claims 9-25), with traverse.

The Examiner states that Inventions III and I-II are related as process of making and product made and that Inventions I and II are combination and subcombination.

Applicants submit that MPEP §803 explicitly states: "If the search and examination of the entire application can be made without serious burden, the examiner *must* examine it on the merits even though it includes claims to independent or distinct inventions." Applicants submit that the search and examination of the a rigid die insert

(as claimed in Invention I), the alloy used to form the rigid die insert (as claimed in Invention II), and the method of treating the rigid die insert to obtain the desired properties (as claimed in Invention III) do not impose a serious burden upon the Examiner, and that the entire application should be examined on the merits.

In light of the remarks presented herein, Applicants respectfully submit that the criteria for requiring restriction have not been met, and respectfully request that the Examiner withdraw the Restriction Requirement. If, however, any issues remain unresolved, the Examiner is invited to telephone the Applicants' attorney at the number provided below.

Respectfully submitted,



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February 26, 2002